

JUDGMT, APPEAL

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U.S. Bankruptcy Court
Middle District of Alabama (Montgomery)
Adversary Proceeding #: 05-03030
Internal Use Only

Assigned to: William R. Sawyer
Related BK Case: 05-30204
Related BK Title: Claudia Y.F. Fitzpatrick
Demand:
Nature of Suit: 426(Dischargeability 523)

Date Filed: 05/05/05

Plaintiff

Robert Lee Smith
Post Office Box 5146
Montgomery, AL 36103

represented by **Robert Lee Smith**
PRO SE
P. O. Box 5146
Montgomery, AL 36103

V.

Defendant

Claudia Y.F. Fitzpatrick
314 Iris Lane
Montgomery, AL 36105
US
SSN: 418-06-5795

represented by **Mark A. Cavanaugh**
4252 Carmichael Road
Montgomery, AL 36106
334-272-8444
Fax : 334-272-8003
Email: markcavan@charter.net
LEAD ATTORNEY

Filing Date	#	Docket Text
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05/05/2005	<u>1</u>	426 (Dischargeability 523): Complaint against Claudia Y.F. Fitzpatrick . Receipt Number 05001078, Fee Amount \$150. Filed by Robert Lee Smith . (Attachments: # <u>1</u> summons) (CBS,) Modified receipt on 5/5/2005 (CBS,). (Entered: 05/05/2005)
05/06/2005		Pro Se Robert Lee Smith for Robert Lee Smith added to case. (DW,) (Entered: 05/06/2005)
05/06/2005	<u>2</u>	Summons Issued to Pro Se Robert Lee Smith to be served on Defendant Claudia Y.F. Fitzpatrick Date Issued 5/6/2005, Answer Due 6/6/2005. Execution of Summons to be done by 5/16/2005. (DW,) (Entered: 05/06/2005)
05/06/2005		Flags: AwCAact21 flag(s) removed - Trustee did not file adversary. (DW,) (Entered: 05/06/2005)
05/06/2005		New Case Received and Reviewed for Accuracy. (DW,) (Entered: 05/06/2005)
05/08/2005	<u>3</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>2</u> Summons Issued). No. of Notices: 2. Service Date 05/08/2005. (Admin.) (Entered: 05/09/2005)
05/09/2005	<u>4</u>	Certificate of Service Filed by Robert Lee Smith (RE: related document(s) <u>2</u> Summons Issued). (RLW,) (Entered: 05/09/2005)
05/16/2005	<u>5</u>	Summons Service Executed on Claudia Y.F. Fitzpatrick 5/16/2005 <i>Mark Cavanaugh</i> , 5/16/2005. (RE: related document(s) <u>2</u> Summons Issued). (RLW,) (Entered: 05/16/2005)
06/02/2005	<u>6</u>	Debtor's Answer to Complaint of <i>Robert Lee</i>

		<i>Smith</i> Filed by Mark A. Cavanaugh on behalf of Claudia Y.F. Fitzpatrick. (Cavanaugh, Mark) (Entered: 06/02/2005)
06/02/2005	<u>7</u>	Debtor's Amended Answer to Complaint of <i>Robert Lee Smith</i> Filed by Mark A. Cavanaugh on behalf of Claudia Y.F. Fitzpatrick. (Cavanaugh, Mark) Modified text on 6/3/2005 (DW,). (Entered: 06/02/2005)
06/13/2005	<u>8</u>	Submission of Documents: Copy of Letter Sent to Circuit Clerk's Office, Montgomery, AL Filed by Robert Lee Smith on behalf of Robert Lee Smith. (DW,) (Entered: 06/13/2005)
06/13/2005	<u>9</u>	Order Setting Scheduling Conference Hearing Entered On 6/13/2005. Hearing scheduled for 7/12/2005 at 10:00 AM at Courtroom 4D, Judge Sawyer Presiding, U.S. Bankruptcy Court, Montgomery, AL. (DW,) (Entered: 06/13/2005)
06/15/2005	<u>10</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>9</u> Order on Motion To Set Hearing). No. of Notices: 2. Service Date 06/15/2005. (Admin.) (Entered: 06/16/2005)
07/21/2005	<u>11</u>	Scheduling Order/Order Setting Trial Date Entered On 7/21/2005. Discovery due by 11/30/2005. Pre-Trial Conference set for 1/10/2006 at 01:30 PM at Telephone Hearing. Trial is "deep set" with several other adversaries beginning Tuesday, January 30, 2006. (DW,) (Entered: 07/21/2005)
07/23/2005	<u>12</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>11</u> Scheduling Order,). No. of Notices: 2. Service Date 07/23/2005.

		(Admin.) (Entered: 07/24/2005)
08/01/2005	● <u>13</u>	Request for Production of Documents (<i>Plaintiff's First Set of Interrogatories</i>) Filed by Robert Lee Smith on behalf of Robert Lee Smith. (DW,) (Entered: 08/01/2005)
09/23/2005	● <u>14</u>	Second Request for Production of Documents <i>Plaintiff's Second Set of Interrogatories</i> Filed by Robert Lee Smith on behalf of Robert Lee Smith. (DW,) (Entered: 09/23/2005)
12/16/2005	● <u>15</u>	Notice of Absence from State Filed by Robert Lee Smith on behalf of Robert Lee Smith. (DW,) (Entered: 12/16/2005)
01/19/2006	● <u>16</u>	Order Setting Trial Date Entered On 1/19/2006 (RE: related document(s) <u>11</u> Scheduling Order,). Trial date set for 1/31/2006 at 09:30 AM at Courtroom 4D, Judge Sawyer Presiding, U.S. Bankruptcy Court, Montgomery, AL. (DW,) (Entered: 01/19/2006)
01/21/2006	● <u>17</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>16</u> Order on Motion To Set Hearing). No. of Notices: 1. Service Date 01/21/2006. (Admin.) (Entered: 01/22/2006)
02/09/2006	● <u>18</u>	MEMORANDUM DECISION/OPINION - Entered On 2/9/2006. (DW,) (Entered: 02/09/2006)
02/09/2006	● <u>19</u>	Judgment for Defendant Entered On 2/9/2006 (RE: related document(s) <u>18</u> Opinion). (DW,) (Entered: 02/09/2006)
02/10/2006	●	Case could not be closed because waiting for

		appeal time to run.. Close Case Follow Up Review due on 2/21/2006. (DW,) (Entered: 02/10/2006)
02/11/2006	● <u>20</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>18</u> Opinion). No. of Notices: 1. Service Date 02/11/2006. (Admin.) (Entered: 02/12/2006)
02/11/2006	● <u>21</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>19</u> Judgment). No. of Notices: 1. Service Date 02/11/2006. (Admin.) (Entered: 02/12/2006)
02/15/2006	● <u>22</u>	Motion for Jury Trial (<i>New Trial</i>) Filed by Robert Lee Smith on behalf of Robert Lee Smith. (DW,) (Entered: 02/15/2006)
02/16/2006	● <u>23</u>	Notice of Appeal. Receipt Number 6000357, Fee Amount \$255. Filed by Robert Lee Smith on behalf of Robert Lee Smith (RE: related document(s) <u>18</u> Opinion, <u>19</u> Judgment). Appellant Designation due by 2/27/2006. Transmission of Designation Due by 3/9/2006. (DW,) (Entered: 02/17/2006)
02/17/2006	● <u>24</u>	Notice Service of Notice of Appeal. Civil Action Number: (Served on Robert Lee Smith, Mark A. Cavanaugh and the Bankruptcy Administrator) Filed by (RE: related document(s) <u>23</u> Notice of Appeal, filed by Plaintiff Robert Lee Smith). (DW,) Modified text on 2/17/2006 (DW,). (Entered: 02/17/2006)
02/21/2006	● <u>25</u>	Debtor's Motion to Withdraw as Attorney Filed by Mark A. Cavanaugh on behalf of Claudia Y.F. Fitzpatrick. (Cavanaugh, Mark) (Entered: 02/21/2006)

		02/21/2006)
02/21/2006	● <u>26</u>	MEMORANDUM DECISION/OPINION - Entered On 2/21/2006 (RE: related document(s) <u>1</u> Complaint filed by Plaintiff Robert Lee Smith). (JT,) (Entered: 02/21/2006)
02/21/2006	● <u>27</u>	Order On Motion For New Trial (Related Doc # <u>22</u>) Entered On 2/21/2006. (JT,) (Entered: 02/21/2006)
02/22/2006		Flags: CANTCLOSE flag(s) removed. (DW,) (Entered: 02/22/2006)
02/22/2006	● <u>28</u>	Appellant Designation of Contents For Inclusion in Record and Issues On Appeal <i>and Transcript Order. January 31, 2006 Trial Exhibits and Memorandum Decision were also included in Transcript Order; therefore, Transcript Order is being treated as the Designation of Record. Transcription Fee not received. Transcript Order will be processed upon receipt of funds.</i> Filed by Robert Lee Smith (RE: related document(s) <u>23</u> Notice of Appeal, filed by Plaintiff Robert Lee Smith). Appellee designation due by 3/6/2006. (LB,) (Entered: 02/23/2006)
02/23/2006	● <u>29</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>26</u> Opinion). No. of Notices: 1. Service Date 02/23/2006. (Admin.) (Entered: 02/24/2006)
02/23/2006	● <u>30</u>	BNC Certificate of Service - See Image Attached - (RE: related document(s) <u>27</u> Order on Motion for Jury Trial). No. of Notices: 1. Service Date 02/23/2006. (Admin.) (Entered: 02/24/2006)

02/27/2006		Remark. Rel Doc #{28} - Money Order received for estimate on Transcript Order in the amount of \$206.00. Transcript Order and Money Order were Fed Ex'd to Transcriptionist on 2/23/2006. (LB,) Modified text on 2/27/2006 (LB,). (Entered: 02/27/2006)
02/28/2006		Deadlines terminated re: doc. 23-Appellant designation received. (DW,) (Entered: 02/28/2006)
03/07/2006		Deadlines terminated.Re: Doc. #28 - Appellee Designation Not Received. (DW,) (Entered: 03/07/2006)
03/28/2006	● <u>31</u>	Transcript of Proceedings held January 31, 2006 - (RE: related document(s) <u>28</u> Appellant Designation and Issues on Appeal). (LB,) (Entered: 03/28/2006)